



**Follow-up from today's EPA/Ecology program manager call**

**Dave Bartus** to: AndyF, Skinnarland, Ron (ECY), Prignano,  
Andrea (ECY), Menard, Nina (ECY)

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Cc: Andrew Boyd, Rick Albright

All:

Please find a link to the regulatory interpretation briefly discussed today as part of the "in-trench" treatment discussion.

[http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/9E6A556F24028D3D8525670F006C1E89/\\$file/13281.pdf](http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/9E6A556F24028D3D8525670F006C1E89/$file/13281.pdf)

During our discussion of the Hexone tank closure comments, we touched on the issue of disposal of exhumed tanks in ERDF. As a follow-up to that conversation, Andy Boyd and I discussed the CERCLA requirements associated with use of ERDF for disposal of closure wastes. The particular ERDF requirements are documented in the 1996 Explanation of Significant Difference (ESD) for ERDF. I've scanned the cover page and relevant text page, attached below. The key point documented in the ESD is that RCRA/DW closure wastes must be authorized for disposal in ERDF by either a remedial action Record of Decision, or a removal action memorandum issued in accordance with CERCLA and the NCP after an opportunity for public comment. There are, of course, a number of important details that need to be worked out, such as when is a ROD or action memorandum established with respect to the permit closure requirements, what is considered as the basis for an EE/CA (in the case of a removal action memorandum), etc.

Dave



ERDF ROD 1996 ESD.pdf